

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Builders Mutual Insurance Company,	)	C.A. No. 4:10-786-TLW-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Wingard Properties, Inc., James Thomas	)	
Wingard, III, Deborah Wingard,	)	
The Sater Design Collections, Inc.,	)	
	)	
Defendants.	)	
_____	)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges recommends that the Plaintiff’s Motion to Strike be granted in part and denied in part, as follows: (1) be denied as to Sater’s prayer for costs and demand for a jury trial; (2) be granted as to Sater’s prayer for attorney’s fees and its prayer that this court retain jurisdiction over a potential bad faith claim. (Doc. # 39). No objections have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 39), and Plaintiff's Motion to Strike is **GRANTED IN PART AND DENIED IN PART**, as follows: (1) is **DENIED** as to Sater's prayer for costs and demand for a jury trial; (2) is **GRANTED** as to Sater's prayer for attorney's fees and its prayer that this court retain jurisdiction over a potential bad faith claim. (Doc. # 27).

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

January 24, 2011  
Florence, South Carolina